Office Action Summary	Application No.	Applicant(s)	
	09/436,796	DONOVAN ET AL.	
	Examiner	Art Unit	
	Joe Logsdon	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-28* is/are rejected.

7)☒ Claim(s) *11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *23,24*.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *25*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Reopening of Prosecution:

1. In view of the Reply Brief filed on 11 October 2002, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections—35 U.S.C. 103(a):

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Joe, please address comments ① — ⑥
- See me if you need help or if you have any question.
H.K.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

① ? claim 11 is objected to !

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. in view of Thomas et al.

With regard to claims 1, 16, and 19, White et al. teaches a method for routing calls to a destination gateway to establish a communication session call in a telecommunications network between a source user agent (105 in Fig. 4) and a destination user agent (125 in Fig. 4) over a path supported at least in part by a telephone network and an IP network, said IP network including a plurality of ingress (104 in Fig. 4) and destination gateways (116 and 120 in Fig. 4), at least one proxy server (104 in Fig. 4), and at least one redirect server (RS) (internet address database 112 in Fig. 4), said method comprising the steps of: a) receiving a call setup request at the at least one proxy server from the source user agent, wherein the source user agent is included in a public switched telephone network and the call set up request identifies the destination user agent (the ingress gateway router 104 in Fig. 4 acts as a proxy server); b) forwarding the received call setup request to the redirect server (internet address database 112 in

Fig. 4 acts as a redirect server); c) receiving routing information or a request failure response from the redirect server (receiving an IP address from the internet address database); d) proxying the call setup request by the at least one proxy server to a destination gateway selected from said routing information upon receiving the routing information from the redirect server, wherein the selected destination gateway can communicate with a public switched telephone network that includes the destination user agent (column 8, lines 21-44). White et al. fails to teach the steps of e) upon proxying the call setup request to the selected destination gateway, waiting for a response from the selected destination gateway; f) upon receiving the response from the selected destination gateway within a predetermined time, establishing a communication session using said selected destination gateway; and g) if the response is not received within the predetermined time, sending the call setup request to a succeeding destination gateway selected from the routing information and reporting failure of the selected destination gateway to the redirect server, wherein the succeeding destination gateway can communicate with a public switched telephone network that includes the destination user agent. Thomas et al. teaches the steps of e) upon proxying the call setup request to the selected destination gateway, waiting for a response from the selected destination gateway; f) upon receiving the response from the selected destination gateway within a predetermined time, establishing a communication session using said selected destination gateway; and g) if the response is not received within the predetermined time, sending the call setup request to a succeeding destination gateway selected from the routing information and reporting failure of the selected destination gateway to the redirect server, wherein the succeeding destination gateway can communicate with a public switched telephone network that includes the destination user agent (abstract; the source gateway works through a

prioritized list of destination gateways to set up an IP telephony call with each eligible destination gateway in the list until the call is established). It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it teaches the steps of e) upon proxying the call setup request to the selected destination gateway, waiting for a response from the selected destination gateway; f) upon receiving the response from the selected destination gateway within a predetermined time, establishing a communication session using said selected destination gateway; and g) if the response is not received within the predetermined time, sending the call setup request to a succeeding destination gateway selected from the routing information and reporting failure of the selected destination gateway to the redirect server, wherein the succeeding destination gateway can communicate with a public switched telephone network that includes the destination user agent, as in Thomas et al., because such an arrangement would increase the probability of call completion.

With regard to claim 2, White et al. fails to teach repeating steps (d) to (g) until a destination gateway is determined to be available for establishing said communication session or until all destination gateways from said routing information have been determined to be unavailable. Thomas et al. includes the feature of repeating steps (d) to (g) until a destination gateway is determined to be available for establishing said communication session or until all destination gateways from said routing information have been determined to be unavailable (abstract). It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it teaches repeating steps (d) to (g) until a destination gateway is determined to be available for establishing said communication session or until all destination gateways from said routing information have been determined to be unavailable, as in Thomas et

al., because such an arrangement constitutes the logical manner of completing an IP call with a great probability.

With regard to claims 3 and 21, White et al. fails to teach the step of recording a destination gateway status as out-of-service if the response from said destination gateway is not received within said predetermined time. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it includes the step of recording a destination gateway status as out-of-service if the response from said destination gateway is not received within said predetermined time because such an arrangement would enable the system to select only functional destination gateways.

With regard to claim 4, White et al. fails to teach that said step of recording records said destination gateway status as out-of-service in a gateway information table stored within the RS. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it includes the feature of recording records said destination gateway status as out-of-service in a gateway information table stored within the RS because such an arrangement would enable the system to select only in-service destination gateways.

With regard to claim 5, White et al. fails to teach that the step of receiving a call setup request at the at least one proxy server from the source user agent includes the step of addressing said call setup request to a proxy address of the at least one proxy server. Examiner takes Official Notice that it has been common practice in the art to use a proxy server in this manner. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it teaches that the step of receiving a call setup request at the at least one proxy server from the source user agent includes the step of addressing said call setup request to a proxy address of

the at least one proxy server because Examiner takes Official Notice that it has been common practice in the art to use a proxy server in this manner.

With regard to claim 6, White et al. fails to teach that said step of receiving a call setup request at the at least one proxy server from the source user agent includes the step of counting a number of received requests subsequent to said call setup request at the at least one proxy server. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that said step of receiving a call setup request at the at least one proxy server from the source user agent includes the step of counting a number of received requests subsequent to said call setup request at the at least one proxy server because such an arrangement would enable the system to determine the demand for the services of the proxy server.

With regard to claims 7 and 17, White et al. fails to teach that the at least one proxy server comprises a Session Initiation Protocol (SIP) proxy server. Examiner takes Official Notice that SIP has been well known in the art. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that the at least one proxy server comprises a Session Initiation Protocol (SIP) proxy server because Examiner takes Official Notice that SIP has been well known in the art as an efficient means for initiating sessions.

With regard to claims 8 and 18, White et al. fail to teach that the at least one proxy server comprises an H.323 gatekeeper. Examiner takes Official Notice that the use of an H.323 gatekeeper has been well known I the art. It would have been obvious to one f ordinary skill in the art to modify the invention of White et al. so that it teaches that the at least one proxy server comprises an H.323 gatekeeper because Examiner takes Official Notice that the use of an H.323 gatekeeper has been well known as an efficient means for conducting IP telephony.

With regard to claim 9, White et al. fails to teach that said step of responding to the forwarded call setup request from said at least one proxy server received at the RS includes determining the status of a group of destination gateways. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that said step of responding to the forwarded call setup request from said at least one proxy server received at the RS includes determining the status of a group of destination gateways because such an arrangement would enable the system to select only in-service destination gateways.

With regard to claim 10, the status of each of said group or destination gateway in White et al. is inherently one of in-service and out-of-service.

With regard to claim 12, White et al. fails to teach that if the destination gateway status is recorded as out-of-service in a gateway information table and its associated time value is less than or equal to the current absolute RS time, the gateway address is added to a routing list of said routing information and recorded as in-service. It would have been obvious to one of ordinary skill the art to modify the invention of White et al. so that if the destination gateway status is recorded as out-of-service in a gateway information table and its associated time value is less than or equal to the current absolute RS time, the gateway address is added to a routing list of said routing information and recorded as in-service because such an arrangement would enable the RS to maintain an updated list of in-service destination gateways.

With regard to claim 13, White et al. fails to teach the step of sending a message from the at least one proxy server to a network manager to record the status of a destination gateway. Examiner takes Official Notice that it has been common practice in the art to send a message from one server to a network manager to record the status of devices on a network. It would have

been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it includes the feature of sending a message from the at least one proxy server to a network manager to record the status of a destination gateway because Examiner takes Official Notice that such an arrangement has been common practice in the art as a means for centralized management of the network.

With regard to claim 14, White et al. fails to teach the step of forwarding a request failure response to the source user agent upon receiving the request failure response from the at least one proxy server, and terminating the communication session. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it includes the feature of forwarding a request failure response to the source user agent upon receiving the request failure response from the at least one proxy server, and terminating the communication session because such an arrangement would enable the system to terminate sessions if failure of a gateway occurs during a session and inform the source agent of this fact.

With regard to claim 15, White et al. fails to teach the step of resending the call setup request to the selected destination gateway a predetermined number of times when the response is not received within the predetermined time. Examiner takes Official Notice that such an arrangement has been common practice in the art. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al so that it teaches the step of resending the call setup request to the selected destination gateway a predetermined number of times when the response is not received within the predetermined time because Examiner takes Official Notice that such an arrangement has been common practice in the art as a means for ensuring that the

lack of response is due to the gateway being out-of-service rather than the request being lost on its way to the destination gateway.

With regard to claim 20, White et al. fails to teach that the method comprises repeating steps (b) to (d) until the availability status of each of said plurality of destination gateways has been determined. Thomas et al. teaches repeating steps (b) to (d) until the call is established (abstract). This suggests repeating the steps until the availability status of each gateway is established. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it teaches that the method comprises repeating steps (b) to (d) until the availability status of each of said plurality of destination gateways has been determined, as suggested by Thomas et al., because such an arrangement would ensure that, if possible, a connection is established between the proxy server and a destination gateway.

With regard to claim 22, White et al. fails to teach that if said one of said plurality of destination gateways is determined to be available, then said availability status is determined to be in-service. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it teaches that if said one of said plurality of destination gateways is determined to be available, then said availability status is determined to be in-service because such an arrangement would enable the proxy server to query only in-service destination gateways.

With regard to claims 23 and 26, White et al. fails to teach that the routing information identifies a destination gateway that can handle the call according to status information tracked by the redirect server. Examiner takes Official Notice that it has been common practice in the art to use status information of a destination device, tracked by a redirect server, to provide routing

information that identifies a destination device. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it includes the feature that the routing information identifies a destination gateway that can handle the call according to status information tracked by the redirect server because such an arrangement would avoid unnecessary traffic volume caused by repeatedly sending inquiries to destination gateways that are not functioning.

(9)

This limitation is met by White. DUA address = Directory No. See Fig. 5 & Col. 8 line 30-32

With regard to claims 24 and 27, White et al. fails to teach that the call setup request identifies the DUA by specifying its address. Examiner takes Official Notice that it has been common practice in the art to identify the destination device by specifying its address. It would have been obvious to one of ordinary skill in the art to modify White et al. to include the feature that the call setup request identifies the DUA by specifying its address because such an arrangement would enable the calls to be directed to the desired destination devices.

With regard to claims 25 and 28, White et al. fails to teach that the address of the DUA includes the real IP address of the DUA. Examiner takes Official Notice that it has been common practice in the art to use IP addresses for addressing. It would have been obvious to one of ordinary skill in the art to modify the invention of White et al. so that it includes the feature that the address of the DUA includes the real IP address of the DUA because such an arrangement would enable the system to use IP addressing.

Allowable Subject Matter:

Note
- You should avoid taking multiple Official notices
- It is better to use a prior art reference.

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reason for Allowance:

6. The prior art fails to teach or fairly suggest that the method includes the step in which if the destination gateway status is recorded as out-of-service in a gateway information table and its associated time value is greater than a current absolute RS time, the gateway address is not added to a routing list of said routing information, as specified in dependent claim 11.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Logsdon whose telephone number is (703) 305-2419. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe Logsdon

Patent Examiner

Friday, October 08, 2004